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SENATE BILL 295

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO GAME AND FISH; AMENDING PROCEDURES FOR LANDOWNER  
TAKING OF ANIMALS ON PRIVATE LAND; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-2-7.2 NMSA 1978 (being Laws 1997,  
Chapter 224, Section 3) is amended to read:

"17-2-7.2. LANDOWNER TAKING--CONDITIONS--DEPARTMENT  
RESPONSIBILITIES.--

A. A landowner or lessee, or employee of either,  
may take or kill an animal on private land, in which they have  
an ownership or leasehold interest, including game animals and  
other quadrupeds, game birds and fowl, that presents an  
immediate threat to human life [~~or an immediate threat of  
damage to property, including crops~~]; provided [~~however~~] that  
the taking or killing is reported to the department [~~of game~~

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1 ~~and fish~~] within twenty-four hours and [~~before the removal of~~]  
2 the carcass of the animal killed is processed by the landowner,  
3 lessee or employee in accordance with regulations adopted by  
4 the commission to minimize waste.

5 B. A landowner or lessee, or employee of either,  
6 with written advance consent from the landowner, may take or  
7 kill animals on private land, in which [~~they have~~] the  
8 landowner or lessee has an ownership or leasehold interest,  
9 including game animals and other quadrupeds, game birds and  
10 fowl, that present a threat [~~to human life or~~] of damage to  
11 property, including crops, according to regulations adopted by  
12 the commission. The regulations shall:

13 (1) provide a method for filing a complaint to  
14 the department by the landowner or lessee, or employee of  
15 either [~~of them~~], of the existence of a depredation problem;

16 (2) provide for various departmental  
17 interventions, depending upon the type of animal and  
18 depredation;

19 (3) require the department to offer at least  
20 three different interventions, if practical, one of which shall  
21 be a landowner-agreed permanent intervention;

22 (4) require the department to respond to the  
23 initial and any subsequent complaints within ten days with an  
24 intervention response to the complaint and to carry out the  
25 intervention, if agreed upon between the department and the

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1 landowner or lessee, within five days of that agreement if  
2 other than a permanent intervention;

3 (5) permit the landowner or lessee to reject  
4 for good cause, in accordance with regulations adopted by the  
5 commission, the interventions offered by the department;

6 (6) require a landowner or lessee to  
7 demonstrate, in accordance with regulations adopted by the  
8 commission, that the property depredation complained of is or  
9 will be greater in value than the value of any wildlife-related  
10 income or fee collected by the landowner or lessee [~~for~~  
11 ~~permission to take or kill an animal of the same species~~] on  
12 the private property or portion of the private property  
13 identified in the complaint as the location where the  
14 depredation occurred; [~~and~~]

15 (7) permit the landowner, lessee or employee,  
16 when interventions by the department have not been successful  
17 and after one year from the date of the filing of the initial  
18 complaint, to kill or take an animal believed responsible for  
19 property depredation on the private property or portion of the  
20 private property identified in the complaint as the location  
21 where the depredation occurred; provided that the landowner has  
22 not rejected a permanent intervention; and

23 (8) require the landowner or lessee, or  
24 employee of either, to report a taking or killing to the  
25 department within twenty-four hours of the killing or taking

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1 and to process the carcass of the animal killed in accordance  
2 with regulations adopted by the commission to minimize waste.

3 C. For purposes of this section:

4 (1) "commission" means the state game  
5 commission;

6 (2) "department" means the department of game  
7 and fish; and

8 (3) "intervention" means a solution proposed  
9 by the department to mitigate or eliminate the depredation."

10 Section 2. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect immediately.

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